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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,168	03/26/2004	Paul Giampavolo	P/1759-147	1995
207	7590	04/26/2005	EXAMINER	
WEINGARTEN, SCHURGIN, GAGNEBIN & LEOVICI LLP TEN POST OFFICE SQUARE BOSTON, MA 02109			RODRIGUEZ, RUTH C	
			ART UNIT	PAPER NUMBER

3677

DATE MAILED: 04/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/811,168	Applicant(s) GIAMPAVOLO, PAUL	
	Examiner Ruth C Rodriguez	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 2, 6, 7, 11 and 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,8-10,12,13,15 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>03/28/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

Species I - Figures 3, 7, 9A

Species II - Figures 4, 12

Species III - Figures 5, 6, 7, 10 11

Species IV - 9

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1 and 8 are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

2. During a telephone conversation with Brendan J. Kennedy on 14 April 2005 a provisional election was made with traverse to prosecute the invention of species III, claims 1, 3-5, 8-10, 12, 13, 15 and 16. Affirmation of this election must be made by applicant in replying to this Office action. Claims 2, 6, 7, 11 and 14 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention. Mr. Kennedy indicated that claim 7 should be examined as part of Species III. However upon review this claim, it was determined that this claim does not pertain to the selected species since it is directed to the embodiments covered by Species I and not Species III.

Information Disclosure Statement

3. The information disclosure statement filed 26 March 2004 has been considered for this Office Action.

Drawings

4. Figures 1A-2A should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. The disclosure is objected to because of the following informalities:

- Page 9, line 10 of paragraph 0037, "44" should be replaced with --34--.
- Page 13, line 2 of paragraph 0047, "latches" should be replaced with --latch--.

Correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 3-5, 8-10, 12, 13 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Anscher (US 5,855,057).

A safety buckle (10,100) comprises a socket (30,120) and a plug (20,110). The socket has a cavity with a first surface (Figs. 1-13d). A first catch (37,129) is in the cavity, adjoins the first surface and protrudes away from the first surface (Figs. 1-13d). The plug has a central arm (21,22,111) being inserted into the socket (Figs. 1-13d). The first latch (25,112) on the central arm is sized and positioned to cooperate with the catch when the plug is inserted into the socket to engage the plug and socket (Figs. 1-13d). A disengagement device (35,121) is on the socket or plug and cooperates with the central arm or the catch to disengage the latch and the catch upon actuation of the device (Figs. 1-13d). A second catch or latch (25,37, other side of 112 or 130) is sized and positioned with symmetry to the first latch or first catch, respectively. The socket

and plug may be engaged independent of a relative orientation of the socket and plug (Figs. 1-13d).

Anscher also discloses that:

- The central arm includes the second latch (25, other side of 25 or other side of 112).
- The buckle further comprises two central arms (21,22). One central arm includes the first latch (25) and the other central arm includes the second latch (25) (Figs. 2-8).
- The central arm further comprises a pair of latches (opposite sides of 112). Each latch is suitable for cooperating with the catch of the socket (Figs. 9-13d).

A safety buckle (10,100) comprises a first buckle member (30,120) including a first engagement part (37,129,130) and a second buckle member (20,110) including a second engagement part (25, other side of 25,112, other side of 112). The first and second buckle members are complementary shaped to provide an interactive fit when the first and second buckle members are fitted together (Figs. 1-13d). The first and second engagement parts are cooperative to retain the first and second buckle members together when the first and second buckle members are fitted together (Figs. 1-13d). One of the first and second engagement parts have a symmetrically functional counterpart such that the first or second engagement part cooperates with the counterpart to retain the first and second buckle members together when the first and second buckle members are fitted together in a different orientation (Figs. 1-13d).

Anscher also discloses that:

- The safety buckle further comprises a central arm (21,22,111) on one of the first or second buckle members. The first or second engagement part (25,112) is located on the central arm (Figs. 1-13d).
- The counterpart (other side of 25 or other side of 112) is located on an opposite side of the central arm from the first or second engagement part (Figs. 1-13d).
- The safety buckle further comprises two central arms (21,22) on one of the first or second buckle members (Figs. 2-8e). One central arm has one of the first or second engagement parts (25) thereon. The other central arm has the counterpart (25).
- The engagement part on the central is formed as a recess with a shoulder near an end of the central arm (Figs. 2-8e). The counterpart also is arranged on the central part (Figs. 2-8e).
- The safety buckle further comprises a disengagement device (31,121) on one of the first or second buckle members that disengages the first or second engagement parts or counterpart to permit the buckle to be unclaspd (Figs. 1-13d).
- One of the first or second engagement parts is located on the disengagement device.

8. Claims 8, 15 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Niewiadomski (US 6,662,414 B1).

A safety buckle (10) comprises a first buckle member (14) including a first engagement part (42,44) and a second buckle member (12) including a second engagement part (34,36). The first and second buckle members are complementary shaped to provide an interactive fit when the first and second buckle members are fitted

together (Figs. 1-6). The first and second engagement parts are cooperative to retain the first and second buckle members together when the first and second buckle members are fitted together (Figs. 1-6). One of the first and second engagement parts have a symmetrically functional counterpart (42,44,34,36) (Figs. 1 and 3-6) such that the first or second engagement part cooperates with the counterpart to retain the first and second buckle members together when the first and second buckle members are fitted together in a different orientation (Figs. 1-6).

Niewiadomski also discloses that:

- The safety buckle further comprises a disengagement device (104,106) on one of the first or second buckle members that disengages the first or second engagement parts or counterpart to permit the buckle to be unclasp (Fig. 6).
- One of the first or second engagement parts (34,36) is located on the disengagement device (Figs. 1-6).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Pogharian et al. (US 4,458,392), Fildan (US 4,712,280), Anscher (US 5,855,057, US 6,000,109 and US 6,446,314 B1), Niewiadomski (US 6,662,414 B1), Murai et al. (US 6,728,999 B2), British Patent Document GB 2 150 632 A, European Patent Document EP 0 348 075 A1 and Japanese Patent Document JP 07051106 A are cited

to show state of the art with respect to safety buckles having two latches and/or two catches that allows multiple orientation of a plug being inserted into a socket.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C Rodriguez whose telephone number is (571) 272-7070. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075.

Submissions of your responses by facsimile transmission are encouraged. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase the patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as PTO's mailroom processing and delivery time. For a complete list of correspondence **not** permitted by facsimile transmission, see MPEP § 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee that the applicant is paying by check **should not be** submitted by facsimile transmission separately from the check.

I hereby certify that this correspondence is being facsimile transmitted to
the Patent and Trademark Office (Fax No. (703) 872-9306) on (Date).

(Signature)


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6640.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).


Ruth C. Rodriguez
Patent Examiner
Art Unit 3677

rcr

April 18, 2005